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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,231	04/02/2001	Kiyoaki Fujikura	010272	6692

38834 7590 10/21/2004

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

EXAMINER

PARK, CHAN S

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/822,231	FUJIKURA, KIYOAKI	
	Examiner	Art Unit	
	CHAN S PARK	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 2, is attached to the instant Office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. U.S. Patent No. 6,417,935 (hereinafter Saito) in view of Nishikawa et al. U.S. Patent No. 5,532,811 (hereinafter Nishikawa).

2. With respect to claim 1, Saito discloses a printer apparatus (fig. 6), which is specified by the host to print in logical-page units (col. 8, lines 50-51), and comprises:

a mechanical controller (printer control CCT 619) for receiving a printing command and controlling a printing engine (LBP 615) that prints on a printing medium (col. 10, lines 18-20); and

a printer controller (CPU 601) for receiving a printing instruction from said host (col. 8, lines 50-51) to print in logical-page units and creating printing data (col. 9, lines 21-23 & 27-30);

wherein said printer controller calculates the total physical length of said logical-pages after creating said printing data, then references a physical length of one page of said printing medium, and depending on the results, and sends said printing command and said printing data to said mechanical controller (col. 7, lines 36-62; col. 11, line 63 – col. 12, line 3; and fig. 7).

Since the print data can be generated and sent from the host computer, the facsimile apparatus of Saito is considered to be a printer having the image processor for creating print data and combining processor for combining logical pages.

Saito, however, does not disclose expressly that the mechanical controller detects when there is no said printing medium in said printing engine.

Nishikawa, the same field of endeavor of printing the print data from the host, discloses a detector for detecting “no paper” state when a print command is sent (col. 4 lines 10-16).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to implement the detector of Nishikawa into the printing apparatus of Saito.

The suggestion/motivation for doing so would have been to notify the user whether there is a paper available to print the print job sent by the host.

Therefore, it would have been obvious to combine Saito with Nishikawa to obtain the invention as specified in claim 1.

3. With respect to claim 2, Saito discloses the printer apparatus wherein, said printer controller creates bitmap data (col. 9, lines 21-23 & 27-30) for each logical page as said printing data according to the printing instruction from said host for

printing in logical-page units until the total physical length of plurality of said logical pages reaches said physical length (col. 5, lines 45-50 & col. 7, lines 54-62), and then sends said print command and said bitmap data in logical page units to said mechanical controller in said logical-page units (col. 10, lines 19-24 & fig. 2).

4. With respect to claim 3, Saito discloses the printer apparatus wherein said printer controller receives the logical-page lengths from said host, and calculates the total physical length of said logical-pages (col. 5, lines 45-50 & col. 7, lines 54-62). Since the calculation is performed inside the printer, the printer controller must receive the logical-page lengths for the calculation. Thus, it would have been obvious to one of ordinary skill in the art to get the lengths from the host, which is the replacement of the scanner 613 (col. 8, lines 50-51).

5. With respect to claim 4, Saito discloses the printer apparatus wherein said printer controller calculates the physical length of said total logical pages, according to the logical-page lengths and number of logical pages received from said host (col. 5, lines 45-50 & col. 7, lines 54-62). Since the calculation is performed inside the printer, the printer controller must receive the logical-page lengths for the calculation. Thus, it would have been obvious to one of ordinary skill in the art to get the lengths from the host, which is the replacement of the scanner 613 (col. 8, lines 50-51).

6. With respect to claim 5, Nishikawa discloses the printer apparatus wherein a printing engine comprises an engine for printing on a continuous printing medium, having a set fold length, as said printing medium (abstract & col. 2, lines 26-28).

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7. With respect to claim 6, Saito discloses the printer apparatus wherein said printer controller checks said physical length in said logical-page unit (col. 5, line 57 – col. 6, line 4).

8. With respect to claim 7, Saito teaches a print control method for printing in logical-page units according to a command of a host, and comprise the steps of:

receiving a printing instruction from said host to print in logical-page units (col. 8, lines 50-51);

creating printing data to be printed on a print medium by a print engine according to said printing instruction (col. 9, lines 21-23 & 27-30);

calculating the total physical length of said logical-pages (col. 7, lines 55-57);

referencing a physical length of one page of said print medium (record sheet length Y);

sending a printing command and said printing data to mechanical controller for controlling said print engine according to said reference results (col. 7, lines 36-62; col. 11, line 63 – col. 12, line 3; and fig. 7).

Since the print data can be generated and sent from the host computer, the facsimile apparatus of Saito is considered to be a printer having the image processor for creating print data and combining processor for combining logical pages.

Saito, however, does not disclose expressly that the mechanical controller detects when there is no said printing medium in said printing engine.

Nishikawa, the same field of endeavor of printing the print data from the host, discloses a detector for detecting "no paper" state when a print command is sent (col. 4 lines 10-16).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to implement the detector of Nishikawa into the printing apparatus of Saito.

The suggestion/motivation for doing so would have been to notify the user whether there is a paper available to print the print job sent by the host.

Therefore, it would have been obvious to combine Saito with Nishikawa to obtain the invention as specified in claim 7.

9. With respect to claim 8, arguments analogous to those presented for claim 2, are applicable.

10. With respect to claim 9, arguments analogous to those presented for claim 3, are applicable.

11. With respect to claim 10, arguments analogous to those presented for claim 4, are applicable.

12. With respect to claim 11, arguments analogous to those presented for claim 5, are applicable.

13. With respect to claim 12, arguments analogous to those presented for claim 6, are applicable.

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Conclusion


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (703) 305-2448. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chan S. Park
Examiner
Art Unit 2622

csp
October 16, 2004


EDWARD COLES
SUPERVISOR
TECHNOLOGY
PATENT EXAMINER
FOR 2600